



United States District Court
for the
District of Columbia

Edgar Nelson Pitts
Plaintiff
V.

U.S. Department of Justice
Office of the Inspector General
Office of Information Policy
Federal Bureau of Investigation
Federal Bureau of Prisons

Pursuant to Title
5 U.S.C. § 552
Freedom of Information
Act of 1974

Case: 1:19-cv-01784
Assigned To : Unassigned
Assign. Date : 6/14/2019
Description: FOIA/Privacy Act (I-DECK)

After numerous unsuccessful Request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, seeking Records from various Components of the United States Department of Justice, Plaintiff is now seeking Relief in this Court.

Plaintiff received a Letter dated March 29, 2018 from the Office of the Inspector General, notifying Plaintiff that his FOIA Request # 18-OIG-215 seeking a copy of the U.S. Department of Justice, Report and Recommendations concerning the Use of Restrictive Housing: Guiding Principles, "after a thorough search no responsive documents were located in the OIG".

Plaintiff then filed an appeal with the OIP and was given appeal no. DOJ-AP-2018-004918. The Office of Information Policy (OIP) responded as follows:

"After carefully considering your appeal, I am affirming OIG's action on your request. OIG conducted a search but could locate no such records. I have determined that OIG conducted an adequate, reasonable search. However, while OIG does not maintain this record, a member of my staff found the document on Department of Justice website. Accordingly, as a courtesy I am releasing eleven pages in full to you."

It is quite obvious from the OIP response that the requested document is readily available on the DOJ website. Because in my FOIA request I clearly and specifically cited the DOJ website where the OIP found it.

U.S. Department of Justice, Report And Recommendations Concerning the use of Restrictive Housing: Guiding Principles (Washington, D.C. U.S. DOJ January 2016) 6-8, <https://www.justice.gov/dag/file/815556/download>.

So it is clear that the OIG search was not adequate and reasonable. This is demonstrated by the fact that the OIP released eleven pages of the document while withholding the rest without any justification. So I'm requesting that the information requested be released in its entirety to me, along with its appendixes from the (GAO) Government Accountability Office.

This denial by the DOJ and the OIP is a pattern. Because I made the following request with similar results:

In Appeal no: DOJ-AP-2018-001927, Request no 1390308 MTC:TAZ I made the following FOIA Request from the FBI: A copy of the "Black Identity Extremist Report of the FBI". I was told to get it off the FBI's Public Website despite the fact that I'm being held in solitary confinement at the ADX with no internet access. And since this information is readily available I'm requesting that it be provided to me in its entirety.

In Appeal no: DOJ-AP-2017-006951, Request no. 17-OIG-267 I requested the following reports:

- 1.) The DOJ Report about the Ferguson Police Department concerning the death of Michael Brown
- 2.) The DOJ Report about the Minneapolis Police Department concerning the death of JAMARR CLARK.
- 3.) The DOJ Report about the Chicago Police Department.

I was told to contact the Civil Rights Division of the DOJ to get access to these documents. But when I made the FOIA Request to the address of the Civil Rights Division that was provided to me by the OIP, I received a response from the Executive Office for the United States Attorneys.

They provided me with a copy of the Chicago Police Department Report, and I was told that my FOIA Request for the other Reports was forwarded to the DOJ Civil Rights division. (That was on January 2, 2018 over a year ago.) It is obvious that they have no intention of granting my Request for these documents. Because these Reports are readily available in the Department of Justice.

(BOP) Bureau of Prisons (FOIA) Request:

On April 20, 2019 I submitted several FOIA Requests to the Bureau of Prisons (BOP). It has been over a month since I submitted the Requests and I still haven't received a Response from the BOP. And since the BOP has failed to comply within the applicable time limit requirements, I am deemed to have exhausted the administrative remedies and may seek satisfaction in federal court.

I made the following FOIA Requests to the BOP:

- 1) In an article in the USA Today newspaper entitled "Congress: U.S. Prison Misconduct Regularly Covered Up" by Kevin Johnson Date: January 7, 2019. The article was based on a 9 page Report by House Investigators for the Committee on Oversight and Government Reform. I'm requesting that I be provided with this 9 page Report.
- 2) On October 15, 2018 I received a returned correspondence notice. The returned correspondence was returned to the U.S. Department of Justice. I'm requesting that I be provided with all of the information enclosed in that returned correspondence.
- 3) I, Edgar Pitts has been in prison since April 12th 1994. I'm requesting that I be provided with the information that detail the cost of my 25 years imprisonment in the Bureau of Prisons (BOP). For example:
 - A. How much money does it cost per year to keep me in prison?

- B. How much of that money is allotted to food, Health CARE and Hygiene etc.
- C. How much of that money is allotted to BOP employees (CORRECTIONAL OFFICERS to wardens, Regional DIRECTORS and DIRECTOR etc.) for salary.
- D. The Total cost of My 25 years imprisonment.

I'm Requesting under the FOIA/PRIVACY ACT that the Requested information be Released to me. The legislative history of the FOIA's Provision calls for a Liberal interpretation of the fee waiver standard. This suggests that all fees should be waived whenever a Requester is seeking information on a subject relating to the manner in which a government Agency is carrying out its operation OR the manner in which an Agency Program affects the Public. This is such a case. I'm therefore Requesting that the fees be waived.

Respectfully submitted bys
Edgar Nelson Pitts
s/ Edgar Pitts
Date: 6-7-2019

Edgar Pitts #04616-084
U.S. Penitentiary ADX
P.O. Box 8500
Florence CO 81226

Certificate of Service

I certify that on 6-7-2019 I mailed a complete copy of this Motion to all parties. Addresses as shown below.

U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington DC 20530-0001

Federal Bureau of Investigation
Washington, D.C. 20535

Bureau of Prisons
FOIA Section
320 1st NW
Washington D.C. 20534

Office of the Inspector General
950 Pennsylvania Ave., Room 4706
Washington DC 20530

United States District Court
for the District of Columbia
333 Constitution Avenue, N.W.
Washington DC 20001

Respectfully submitted by:
Edgar Pitts
s/Edgar Pitts